

IC 24-8-3

Chapter 3. Notice

IC 24-8-3-1

Delivery

Sec. 1. Notice may be delivered by any of the following methods:

- (1) Hand.
- (2) Mail.
- (3) Newspaper.
- (4) Other periodical.
- (5) Electronic mail or any other form of electronic, digital, or Internet based communication.

As added by P.L.233-1989, SEC.1. Amended by P.L.222-2005, SEC.35.

IC 24-8-3-2

Names and addresses

Sec. 2. The notice must contain the name and address of the promoter and the sponsor of the promotion.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-3

Statement of verifiable retail value of prizes

Sec. 3. The notice must state the verifiable retail value of each prize a participant has been awarded or may have been awarded.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-4

Statement of odds

Sec. 4. (a) If an element of chance is involved, each notice must state the odds the participant has of receiving each prize.

(b) The statement of the odds must include, for each prize, the total number of prizes to be given away and the total number of notices distributed.

(c) The total number of notices must include all notices in which a prize may be given including notices for other sponsors.

(d) If the odds of winning a prize are not accurately stated on the basis of the number of notices, the odds shall be stated in a manner that will not deceive or mislead a participant regarding the participant's chance of receiving a prize.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-5

Location and size of statement of verifiable retail value and odds

Sec. 5. (a) The verifiable retail value and odds for each prize must be stated in immediate proximity with each listing of the prize in each place it appears on the notice.

(b) The verifiable retail value and odds for each prize must be listed in the same size type and boldness as the prize.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-6**Attendance at sales presentation**

Sec. 6. If a person is required or invited to view, hear, or attend a sales presentation in order to claim a prize that has been awarded or may have been awarded, the requirement or invitation must be conspicuously disclosed to the person in the notice in at least 10 point boldface type on the first page of the notice.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-7**Additional purchases**

Sec. 7. (a) If a prize is offered or given that will require a person to purchase additional goods or services, including shipping fees, handling fees, or any other charge, the requirement and additional cost to the person must be clearly disclosed on the first page of the notice.

(b) Disclosure must be made by using the following appropriately completed statement:

"You must pay \$ _____ in order to receive this item.".

(c) The disclosure statement must be in at least 10 point boldface type.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-8**Eligibility limitations**

Sec. 8. A limitation on the eligibility of persons must be clearly disclosed in the notice in at least 10 point boldface type.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-9**Presentation of winning ticket necessary**

Sec. 9. If prizes will not be awarded or given if a winning ticket, token, number, lot, or other device used to determine winners in a particular promotion is not presented to a promoter or a sponsor, this fact must be clearly stated in the notice.

As added by P.L.233-1989, SEC.1.

IC 24-8-3-10**Applicability of chapter to certain book, record, video, and magazine promotions**

Sec. 10. Sections 3, 5 and 7 of this chapter shall not apply in a promotion only for books, records, videos, or magazines when the person has the right to review the merchandise without obligation for at least seven (7) days and the right to obtain a full refund for the return of undamaged merchandise.

As added by P.L.233-1989, SEC.1.